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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 BRITTNEY TURNER,

10 Petitioner,

11 v.

12 ISRAEL JACQUEZ,

Respondent.

CASE NO. C19-545-JCC-BAT

**ORDER FOR RETURN AND  
BRIEFING**

13 Petitioner has filed a habeas corpus petition under 28 U.S.C. § 2241 and seeks expedited  
14 consideration of her petition on the grounds that if the Court grants the requested relief, she will  
15 be released from custody on May 19, 2019, rather than sometime after July 19, 2019. Dkt. 3. The  
16 Court has reviewed the petition and **ORDERS:**

17 **A. SERVICE**

18 If not previously accomplished, electronic posting of this Order and petitioner's § 2241  
19 habeas petition shall effect service upon the United States Attorney for the Western District of  
20 Washington of the petition and all supporting documents. Service upon the United States  
21 Attorney for the Western District of Washington is deemed to be service upon the named  
22 respondents.  
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1     **B.     RESPONDENTS' RETURN AND BRIEFING**

2             No later than **May 7, 2019**, respondents shall file a return as provided in 28 U.S.C. §  
3     2243, explaining why the Court should not grant petitioner's § 2241 petition. As a part of the  
4     return, respondents shall submit a brief in support of their position.

5             The Court notes that the petition herein is one of a growing number of § 2241 habeas  
6     petitions recently filed by federal prisoners seeking release prior to July 19, 2019. *See e.g.*,  
7     *Johnston v. Jacquez*, C19-550 JLR-BAT (alleging a release date of April 29, 2019); *Corbett v.*  
8     *Jacquez*, C19-531 MJP-BAT (alleging a release date of July 7, 2019); *Acedo v. Jacquez*, C19-  
9     529 RSM-MLP (alleging a release date of July 7, 2019); *Garcia-Orante v. Jacquez*, C19-536  
10    RAJ-MLP (alleging a release date of June 2, 2019); *Rigney v. Jacquez*, C19-548 RSL-MLP  
11    (alleging a release date of May 30, 2019); and *Soundingsides v. Jacquez*, C19-544 JCC-MLP  
12    (alleging a release date of June 20, 2019). Given the number of other pending cases that raise  
13    similar claims, and because these cases raise issues of first impression, this Court recently issued  
14    an order in *Johnston v. Jacquez*, C19-550 JLR-BAT, directing the parties to submit briefing  
15    addressing some specific issues, and setting oral argument in that case for May 20, 2019 at 10:30  
16    am, Courtroom 12A. *See Johnston v. Jacquez*, C19-550 JLR-BAT, Dkt. 5.

17            Accordingly, in their briefs, the parties shall address the same issues the Court requested  
18    to be briefed in *Johnston v. Jacquez*, C19-550 JLR-BAT. *See id.* Namely:

19            (a)     Petitioner claims the First Step Act clarifies the original congressional intent of 18  
20    U.S.C. § 3624(b) to grant a prisoner serving a sentence of more than one year good time credits  
21    of 54 days per year. If Congress had always intended to grant prisoners 54 days of good time per  
22    year, why is it that the Court cannot grant petitioner the relief he requests?

1 (b) Petitioner claims the Bureau of Prisons (BOP) will not calculate her good time  
2 credits until July 19, 2019, the date by which the BOP must complete a risk and needs  
3 assessment. Because this is after petitioner's release date, is petitioner excused from exhausting  
4 her remedies within the BOP?

5 (c) Is the "risk and needs assessment" set forth in Section 101(a) of the First Step Act  
6 relevant to the BOP's calculation of good time release? Or are good time credits awarded to all  
7 prisoners with a release date regardless of the prisoner's risk assessment?

8 (d) If there is a legal basis upon which the Court may grant petitioner the relief she  
9 requests, may the Court make factual findings to determine whether petitioner "has displayed  
10 exemplary compliance with institutional disciplinary regulations" under 18 U.S.C. § 3624(b)(1),  
11 or are such findings solely within the discretion of the BOP?

12 The parties' briefs should also identify and address any additional issues believed to be  
13 unique or distinct from the issues presented in *Johnston v. Jacquez*, C19-550 JLR-BAT, and  
14 present any relevant argument or authority in support.

15 **C. PETITIONER'S RESPONSE**

16 Petitioner shall file a response brief no later than **May 21, 2019**. The response likewise  
17 may address the issues set forth above.

18  
19 DATED this 23<sup>rd</sup> day of April, 2019.

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22 BRIAN A. TSUCHIDA  
23 United States Magistrate Judge